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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,523	11/21/2003	Martin Josso	016800-586	8425

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EXAMINER
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ALSTRUM ACEVEDO, JAMES HENRY

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/717,523		JOSSO, MARTIN	
	<b>Examiner</b>		<b>Art Unit</b>	
	James H. Alstrum-Acevedo		1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/21/2003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

**Claims 1-59 are pending.**

### *Specification*

The incorporation of essential material in the specification by reference to an unpublished U.S. application, **foreign application or patent, or to a publication** is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). It is emphasized that incorporation of a U.S. patent or application which itself incorporates “essential material” by reference, is also improper. See MPEP §608.01.

The disclosure is objected to because of the following informalities: unnecessary accent marks are used on the 13<sup>th</sup> compound from the top of page 10 ([0040]) and over the letter “u” in the word “result” on page 15 ([0063]).

Appropriate correction is required.

The use of the trademarks “EUSOLEX<sup>®</sup> HMS (page 6), UVASORB<sup>®</sup> K2A (page 9) EASTMAN AQ<sup>®</sup> (page 13), and TRANSPORE<sup>®</sup> (page 15) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

**Claims 1-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "generally spherical" in claims 1-10 and 30-39 is a relative term, which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. A person of ordinary skill in the art at the time of the instant invention would not have been able to ascertain what the Applicant means whether something is or is not considered "generally spherical".

Regarding claims 1, 11, 40, and 58 the use of "and/or" is indefinite, because the metes and bounds of the limitations as are unascertainable.

Regarding claims 11-15 and 43-44, the inclusion of items within parentheses, such as "(nano)," renders these claims indefinite, because it is unclear whether the item contained within parentheses is intended as a limitation or merely serves as an example.

Regarding claims 19-24 and 47-52 the use of the phrase "self or artificial tanning agent" is confusing, because it is not clear what is the difference, if any, between a self-tanning agent and an artificial tanning agent. The Examiner contends that "self-tanning agent" and "artificial tanning agent" are equivalent terms, because on page 11 ([0045]) of the specification Applicant defines "self-tanning agents" as agents for artificially bronzing and/or tanning the skin.

Regarding claims 12 and 41 the term “bisbenzozolyl derivatives” is considered indefinite, because the Applicant does not provide any examples or guidance as to what is intended by the word “derivative.” It is noted that the Applicant makes reference to EP 669, 323 and U.S. Patent No. 2,463,264, which are incorporated by reference. The Applicant is reminded that incorporation of a foreign patent/application or of a U.S. patent, which itself incorporates material by reference, is improper.

Regarding claims 1, 2, and 30 reference is made to “photoprotecting”, “SPF-enhancing”, and “UV-protecting” amounts (i.e. it’s unclear what are effective amounts of these species), however these amounts are indefinite. The claims and the specification do not define what constitutes a “photoprotecting”, “SPF-enhancing”, or “UV-protecting” amount of a substance. The Examiner contends that these terms are also indefinite, because said amounts are expected to vary from individual-to-individual, due to variations in skin pigmentation.

The remaining claims are objected as being dependent upon a rejected claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6, 9-12, 14, 15, 25, 30, 31, and 40-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Iijima (U.S. Patent No. 6,258,857).**

Claims 11, 40, and 41 are rejected based on the reading of said claims in which the sunscreen compositions comprise “one or more organic UV-screening agents or one or more UV-screening nanopigments.” It was noted above that the term “and/or” is indefinite.

Iijima discloses (1) a composition contained in a releasing container such as an aerosol container or pump type-releasing container, and used as being released from such releasing container, and (2) a releasing container product containing such composition (see column 1, lines 7-11), wherein the composition includes one of three types comprising a blending of inorganic porous fine particles (e.g. silicic anhydride, i.e. silica) and (1) carrying a chemical, disperse solution, acrylic acid polymer, and alkali; (2) carrying a chemical, disperse solution, and synthetic resin fine particles; (3) carrying a chemical, disperse solution, acrylic acid polymer, alkali, and synthetic resin fine particles. The chemical to be carried by the inorganic porous fine particles includes, ultraviolet blocker, antioxidant, sunburn remedy, moisturizer, styptic, oil, and others. As disperse solution, water, alcohol, ether and other organic solvents may be used (abstract).

Iijima discloses that typical examples of releasing means include the aerosol mechanism and pump spray mechanism (column 4, lines 59-60).

Iijima discloses that one, two, or more of the carried chemicals may be used by blending depending on the intended use (column 5, lines 24-31). Examples of ultraviolet blockers include benzophenones derivatives, salicylate esters, and p-amino benzoic acid derivatives (column 7, lines 15-27).

Iijima discloses that the inorganic fine particles include metal oxides (silica, titanium dioxide, iron oxide, zinc oxide, and others) that are preferably nearly spherical in shape and

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present in the composition in amounts ranging from 0.01 to 60 weight %. This range encompasses the stated ranges in claims 9 and 10.

Iijima discloses that the specific surface, pore volume, and particle size of the particles ranges from 20 to 800 m<sup>2</sup>/g, 0.01 to 1.50 ml/g, and 0.5-15 microns, respectively (column 10 lines 2-3 and Table 1).

**Claims 30-31, 40-41, and 43, and 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Roman (U.S. Patent No. 6,171,602).**

Claims 40 and 41 are rejected based on the reading of said claims in which the sunscreen compositions comprise “one or more organic UV-screening agents or one or more UV-screening nanopigments.” It was noted above that the term “and/or” is indefinite.

Roman discloses cosmetic compositions comprising (a) a liquid hydroalcoholic base containing natural pigment, a UV absorber, and an antioxidant with (b) an absorbent base containing a porous silica bead (abstract; column 1, lines 4-7; column 2, lines 34-44; and column 3, lines 22-25).

Roman discloses that is desirable to include a hydrophobic coating for the silica bead (column 3, lines 39-40). Silica is considered a metal oxide in the cosmetic art.

Roman discloses at least one UV-absorber that may be salicylates, p-amino benzoic acid (PABA) and derivatives thereof, benzophenones, cinnamates used in an amount ranging from 0.5-10% by weight. The ranges stated in claims 45 and 46 encompass the ranges taught by Roman.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 32-39, 40-41, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roman (U.S. Patent No. 6,171,602).**

Claims 40 and 41 are rejected based on the reading of said claims in which the sunscreen compositions comprise “one or more organic UV-screening agents **and** one or more UV-screening **nanopigments**.” It was noted above that the term “and/or” is indefinite.

Some of the teachings of Roman have been set forth above in the 102(b) rejection of claims 30-31, 40-41, and 43. Additional relevant teachings follow.

Roman teaches the use of porous spherical silica materials (beads) with a **particle size of 1-20 microns, preferably 4-6 microns** (column 3, lines 18-26). The Examiner contends that micron-sized porous spherical beads read on porous “generally spherical silica microparticles.”



It would have been apparent to a person of ordinary skill in the art that Roman's cosmetic compositions comprising natural pigments, at least one UV absorber, and porous spherical silica beads are obvious over the vaporizable sunscreen compositions of the instant invention, because Roman teaches compositions having the same critical components. Regarding the claimed silica and inorganic UV-screening nanopigment particle sizes, the modification of the particle size to achieve the ranges stated in claims is within the skill of an ordinary artisan and the optimization of ranges is routine in the art. Roman does not state the specific surface or pore volume ranges of the porous spherical silica particles used in his compositions, however it is obvious that the silica particles he used would have had a specific surface and pore volume ranges encompassing the stated ranges in claims 34-37 as the particles taught by Roman are spherical, porous, of a similar size, and made of the same material as those of the instant application. Furthermore the Applicant has failed to show the criticality of the stated ranges. Roman does not specifically teach adding UV-screening agents in the exact amounts claimed by applicant. The amount of a specific ingredient in a composition is clearly a result effective parameter that a person of ordinary skill in the art would routinely optimize. Optimization of parameters is a routine practice that would be obvious for a person of ordinary skill in the art to employ. It would have been customary for an artisan of ordinary skill to determine the optimal amount of each ingredient needed to achieve the desired results. Thus, absent some demonstration of unexpected results from the claimed parameters, the optimization of ingredient amounts would have been obvious at the time of applicant's invention.

**Claims 3, 5, 7, 8, 11, 16-18, 28, 29, 40-41, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (U.S. Patent No. 6,258,857).**

Claims 11, 40, and 41 are rejected based on the reading of said claims in which the sunscreen compositions comprise “one or more organic UV-screening agents **and** one or more UV-screening **nanopigments**.” It was noted above that the term “and/or” is indefinite.

The disclosures and teachings of Iijima have been set forth above in the 102(b) rejection of claims 1, 2, 4, 6, 9-12, 14, 15, and 25. Additional relevant teachings are presented below.

Iijima teaches insect repellent compositions comprising a propellant (Table 4).

Iijima teaches that the liquid composition may comprise surface-active agents, including **self-emulsion type glycerin monostearate**, for enhancing the dispersion performance of the inorganic fine particles (column 12, lines 60-64 and column 13, lines 40-42). Surface-active agents (i.e. surfactants) are used to make emulsions. Well known emulsion types include oil-in-water (O/W) and water-in-oil (W/O) (see, for example Jellinek, J. S. “Surfactants in Cosmetics” in *Formulation and Function of Cosmetics*, Wiley-Interscience: New York, 1970, p 32-34 and 48-50).

It would have been obvious to a person of ordinary skill in the art at the time of the instant invention that one could use a propellant with a sunscreen composition in an aerosol container or pump type-releasing container as taught by Iijima, because Iijima teaches an insect repellent composition comprising a propellant (Example 4). It would have been within the skill of the ordinary artisan at the time of the instant invention to optimize the physical characteristics of the spherical porous silica particles used in Iijima’s compositions, because the optimization of physical characteristics (size, pore volume, specific surface) is routine in the art. It would have been apparent to a skilled artisan that a particle size of 20 microns is obvious over a particle size of 15 microns and that a maximum specific surface of 800 m<sup>2</sup>/g is obvious over a specific

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surface of 1,000 m<sup>2</sup>/g. Likewise, a maximum pore volume of 1.5 ml/g would have been obvious over a maximum pore volume of 2.0 ml/g to a person of ordinary skill in the art at the time of the instant invention. It would have been apparent to a skilled artisan that Iijima's compositions encompass emulsions, because Iijima teaches "self-emulsion surfactants," such as glycerin monostearate, and emulsions are well known in the cosmetic art.

**Claims 13, 42, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (U.S. Patent No. 6,258,857) as applied to claims 3, 5, 7, 8, 16-18, 28, and 29 above, and further in view of Fankhauser et al. (US 2002/0155073).**

The teachings of Iijima have been set forth above.

Iijima lacks the teaching of species of UV-screening agents belonging to the group stated in claims 13 and 42, and regimes or regimens for UV-protecting skin and/or hair by spraying on an effective amount of a sunscreen composition.

Fankhauser teaches mixtures of micronized organic UV filters for preventing tanning and for lightening human skin and hair and to their use in cosmetic and pharmaceutical formulations (i.e. sunscreen compositions) [0001]. These compositions are desirable for the preservation of skin color after solar irradiation [0003].

Fankhauser teaches suitable UV filters include triazine derivatives, benzotriazole derivatives, cinnamic acid derivatives, camphor derivatives, para-aminobenzoic acid (PABA) and derivatives thereof, salicylates, benzophenones and also other classes of substance known as UV filters [0007] with specific examples including 2,4,6-tris(diisobutyl-4'-aminobenzalmalonate)-s-triazine [0065], 2-ethylhexyl-4-methoxycinnamate [0099], and benzophenones-3 and -4 [0139].

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It would have been obvious to a person of ordinary skill in the art at the time of the instant invention to combine the teaching of Iijima and Fankhauser, because both inventors teach UV-protecting compositions comprising sunscreen agents and Fankhauser's compositions are specifically intended to prevent changes in skin color upon solar irradiation. A person of ordinary skill in the art at the time of the instant invention would have known that the term solar irradiation obviously encompasses ultraviolet (UV) radiation. It would also have been obvious to a skilled artisan to place a sunscreen composition in aerosol/non-aerosol containers, as taught by Iijima, and apply said compositions to a subject's skin and/or hair by spraying. A skilled artisan would have been motivated to use the a dispenser containing a composition resulting from the combined teachings of Iijima and Fankhauser to protect against the damaging effects of UV-radiation on skin and hair, because Fankhauser teaches that his compositions, comprising UV filters, are intended to prevent skin color change resulting from solar irradiation, which includes UV radiation. A skilled artisan would have had a reasonable expectation of successfully using the combined teachings to obtain a sunscreen composition to prevent damage from UV-radiation, because both references teach cosmetic compositions comprising known UV filters/screening agents.

**Claims 19-24 and 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (U.S. Patent No. 6,258,857) as applied to claims 3, 5, 7, 8, 16-18, 28, and 29 above, and further in view of Torgerson et al. (U.S. Patent No. 6,458,906).**

The teachings of Iijima have been set forth above.

Iijima lacks the teaching of sunscreen compositions comprising at least one self-or artificial tanning agent, including dihydroxyacetone (DHA).

Torgerson teaches cosmetic and pharmaceutical compositions containing dispersible thermoplastic elastomeric copolymers, for hair styling purposes, and for providing cosmetic and pharmaceutical compositions for topical application to the skin (abstract).

Torgerson teaches that the hair care and topical skin compositions comprising copolymers of his invention can be formulated into a wide variety of product types, including sunscreens (column 14, lines 16-23).

Torgerson teaches that cosmetically acceptable topical carriers include hydro-alcoholic systems (i.e. aqueous) and oil-in-water emulsions (column 16, lines 23-25).

Torgerson teaches that sunscreen agents are also useful in his inventions, including 3-(4-methylbenzylidene) camphor, titanium dioxide, zinc oxide, silica, iron oxide, and mixtures thereof (column 18, lines 5 and 19-21). Example XIX teaches an emulsion for topical skin application that provides protection from the harmful effects of ultraviolet radiation.

Torgerson teaches that his invention may also include sunless tanning agents, including dihydroxyacetone, which can be used in combination with sunscreen agents (column 18, lines 52-56). Example XVII teaches a sunless tanning emulsion for topical skin application.

It would have been obvious to a person of ordinary skill in the art at the time of the instant invention to combine the teachings of Iijima and Torgerson, because they both teach sunscreen compositions comprising silica, UV-sunscreens, metal oxides, and aqueous carriers. It would have been apparent to a skilled artisan that combination of the teachings of Iijima and Torgerson would have yielded a composition suitable to protect a person's skin from UV-radiation damage and that would also allow one to obtain the appearance of a tan, due to the presence of a sunless tanning agent (dihydroxyacetone), per Torgerson's teachings. A skilled

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artisan would have had a reasonable expectation of successfully obtaining a viable sunscreen/self-tanning composition, because the combined art teaches compositions containing well known sunscreen and sunless tanning agents. The amount of self- or artificial tanning agents in a composition is clearly a result effective parameter that a person of ordinary skill in the art would routinely optimize. Optimization of parameters is a routine practice that would be obvious for a person of ordinary skill in the art to employ. It would have been customary for an artisan of ordinary skill to determine the optimal amount of each ingredient needed to achieve the desired results. Thus, absent some demonstration of unexpected results from the claimed parameters, the optimization of ingredient amounts would have been obvious at the time of applicant's invention.

**Claims 26-27 and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (U.S. Patent No. 6,258,857) in view of Torgerson et al. (U.S. Patent No. 6,458,906) as applied to claims 3, 5, 7, 8, 16-18, 28, and 29 above, and further in view of Candau, D. (U.S. Patent No. 6,033,648).**

The teachings of Iijima and Torgerson have been set forth above.

Iijima lacks the teaching of polyesters and copolymers thereof, including ones derived from isophthalic acid or sulfoisophthalic acid.

Candau teaches topically applicable/dermatological compositions for persistent artificial tanning of human skin (abstract).

Candau teaches cosmetic compositions additionally comprising at least one aqueous dispersion of film-forming polymer particles to improve the persistence of coloration and water colorfastness on the skin. Examples of these film-forming polymers include polyesters prepared in known manner by polycondensation from monomers, such as, phthalic acid, isophthalic acid,

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diethylene glycol, cyclohexanedimethanol, and sulfoisophthalic acid. Candau teaches that one may also use copolymers based on isophthalate/sulfoisophthalate and more particularly copolymers prepared by condensation of diethylene glycol, cyclohexanedimethanol, isophthalic acid and sulfoisophthalic acid (column 7, lines 33-36; column 8, lines 63-64; and column 9, lines 5-8, 15-18, and 37-44).

It would have been obvious to combine the teachings of Iijima in view of Torgerson with the teachings of Candau because both teach cosmetic compositions comprising sunless tanning agents for topical application to the skin. A skilled artisan would have been motivated to combine the teachings of Candau with those of Iijima in view of Torgerson, because the film-forming polymers of Candau's compositions improve the persistence of coloration and water colorfastness on the skin. Therefore, a person of ordinary skill would have had a reasonable expectation of successfully obtaining a cosmetic sunscreen/sunless tanning composition, because the combined art teaches known components used as UV-sunscreens and sunless tanning agents and which improve the persistence of color on the skin.

#### ***Other Matter***

The Examiner respectfully suggests removing "(B)" from claim 18, line 1 and inserting the word "further" before the word "comprising" on line 1 of said claim, because it is believed this will make the claim easier to understand. Terms ending in the suffix "-able" (e.g. applicable) are not given any weight as these words do not provide positive recitations, but rather suggest the possibility of something (see claims 1, 2, 9-17, 19, 23-26, 28-59). For example, a topically applicable composition has the capability or potential for topical application, but is not

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required to have this limitation. The Examiner has not cited every instance wherein an accent mark was unnecessarily used in the spelling of a word in the specification, and respectfully requests that the applicant make this correction when appropriate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Alstrum-Acevedo whose telephone number is (571) 272-5548. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Alstrum-Acevedo, Ph. D.  
Examiner

  
SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER